REMARKS

The above amendment and these remarks are responsive to the Office action of Examiner Lambert L. Tran, mailed 21 Oct 2003.

Claims 1-20 are in the case, none having been allowed.

Specification

The specification has been objected to for (1) use of assignee docket numbers in identifying related applications, (2) the use of embedded hyperlink, and (3) improper spelling of the word hybrid.

Applicants have amended the specification to correct it as required by the Examiner.

35 U.S.C. 112

Claim 11 has been rejected under 35 U.S.C. 112, second paragraph, for improper designation of parent claim.

Applicants have amended claim 11 to depend from claim 3, as it is in claim 3 that the antecedent basis is found for "said second cluster".

35 U.S.C. 103

Claims 1-16 have been rejected under 35 U.S.C. 103 over Underwood, U.S. Patent 6,523,027, in view of Ciarlante et al., U.S. Patent 6,594,819, hereinafter referred to as Ciarlante.

Claims 1-2, 4-5, and 9-16 have been rejected under 35 U.S.C. 103(a) over Bowman-Amuah, U.S. Patent No. 6,578,068, in view of Munguia et al., U.S. Patent No. 6,381,644, hereinafter referred to as Munguia.

Applicants have amended the independent claims in the case to clarify that their invention provides for making

applications scalable depending upon the number and type of users (clients). Because servers in each cluster are running the same application and system code, the load balancing is done dynamically, based on the current load of servers in a cluster. This is done at a various places in the architecture (there being at least two clusters), and is described in applicants' specification in connection with Figures 1 and 15, such as at pages 16-17, 21, and 48-50.

None of the art references cited by the Examiner teach these concepts, taken singly or in any possible combination. For example, Ciarlante deals with groupware on applications and users picking applications to use. Nothing about performance or scalability, such as servicing client requests by load balancing across multiple servers. Any scalability is stated in terms of larger servers or disk or memory capacity. Munguia is specific to the telephone industry and associated services, allowing people to enroll and set up routing. Underwood is oriented toward object-oriented programming (OOP) and reusable objects as services (vs. Servers). This patent deals with a server retrieving data from a second server (specifically for the transfer of data, such as from a relational database), but does not discuss scalability or clustering a servers running mirror

image system and application code to maximize performance. Borman-Amuah deals with the architecture of application software and how to build specific application service components across multiple servers. Load balancing is achieved by routing the user functional request to the server that has that component installed. This is a 'best-guess' look at how to load balance an application, determined by looking at which components (as they are coded) take what amount of resource and manually balancing that function across servers.
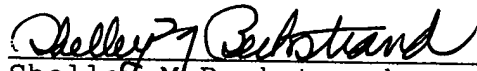
SUMMARY AND CONCLUSION

Applicants urge that the above amendments be entered and the case passed to issue with claims 20.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707.02(j) and 707.03 in order that allowable claims can be presented without further proceedings being necessary.

Sincerely,

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By

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